

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
BALTIMORE DIVISION**

JASON ALFORD *et al.*,

Plaintiffs,

v.

THE NFL PLAYER DISABILITY &  
SURVIVOR BENEFIT PLAN *et al.*,

Defendants.

Case No. 1:23-cv-00358-JRR

**DEFENDANTS' CONSENT MOTION TO HOLD DEADLINE IN ABEYANCE**

Pursuant to Federal Rule of Civil Procedure 16(b)(4) and Local Rule 105.9, Defendants respectfully move the Court to hold the following deadlines in abeyance: (1) Defendants' deadline to oppose Plaintiffs' Federal Rule of Evidence ("FRE") 702 motion to exclude the opinions of Defendants' expert, Dr. David Lasater, and (2) Defendants' Rule 26(a)(2) disclosure deadline. Plaintiffs have consented to this request as to the FRE 702 opposition deadline. In support of this request, Defendants state as follows:

1. On April 11, 2025, Plaintiffs filed both their reply in support of their motion for class certification and an FRE 702 motion to exclude the opinions of Dr. David Lasater. *See* ECF No. 172. Under Local Rule 105.3, Defendants are entitled to a 30-page brief in opposition, which is currently due on April 25, 2025, *see* Local Rule 105.2.

2. Prior to Plaintiffs' April 11, 2025 filing, Defendants consented to Plaintiffs' request to file a consolidated 30-page brief, addressing both their reply in support of their motion for class certification and their FRE 702 motion. This consent was based on (1) Plaintiffs' representation to Defendants and to the Court that the class certification issues and the FRE 702 issues were so interrelated that they were most efficiently addressed together, *see* ECF No. 170 ¶ 5; and (2)

Plaintiffs' representation to Defendants that Plaintiffs would agree to a reasonable extension of time for Defendants to respond to the brief if Defendants so requested.

3. The parties are currently working cooperatively on a schedule that will include (1) Defendants' brief,<sup>1</sup> (2) depositions of Plaintiffs' experts, (3) Defendants' Rule 26(a)(2) disclosures, (4) Plaintiffs' experts' rebuttal reports, and (5) depositions of Defendants' experts. The Court's scheduling orders prior to the decision on Plaintiffs' motion to compel all set Defendants' responsive expert disclosure deadline 30 days after Plaintiffs' expert disclosures, *see, e.g.*, ECF No. 94 at 1, ECF No. 106 at 1, but the post-motion-to-compel schedule on which the parties agreed did not address any expert deadlines beyond Plaintiffs' initial expert disclosures, *see* ECF No. 161.

4. While the parties complete their negotiation of a proposed schedule that reasonably accommodates both parties' interests and schedules, they jointly request that the Court hold in abeyance Defendants' deadline to oppose Plaintiffs' Federal Rule of Evidence ("FRE") 702 motion to exclude the opinions of Defendants' expert. Defendants also request that the Court hold in abeyance Defendants' Rule 26(a)(2) disclosure deadline.

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<sup>1</sup> The parties are discussing as part of their negotiations Defendants' intent to seek leave of Court to use their 30-page brief in opposition to Plaintiffs' FRE 702 motion also to address what they assert are extensive new evidence, arguments, and expert disclosures related to class certification that were raised for the first time in Plaintiffs' reply brief. Plaintiffs reserve the right to oppose Defendants' request if the parties are unable to reach agreement.

Date: April 24, 2025

Respectfully submitted,

/s/ Gregory F. Jacob

Gregory F. Jacob (D. Md. Bar No. 06769)

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**CERTIFICATE OF SERVICE**

I, Gregory F. Jacob, hereby certify that on April 24, 2025, I caused a copy of the foregoing document to be served upon all counsel of record via the CM/ECF system for the United States District Court for the District of Maryland.

/s/ Gregory F. Jacob  
Gregory F. Jacob